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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,079	06/09/2005	Koji Matsumoto	0020-5381PUS1	7194
2292	7590	09/09/2010	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				MILLER, MICHAEL G
ART UNIT		PAPER NUMBER		
1712				
NOTIFICATION DATE			DELIVERY MODE	
09/09/2010			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## **DETAILED ACTION**

### ***Drawings***

1. Examiner raises no objection to the drawings as submitted.

### ***Response to Amendment***

2. No amendment to the claims is provided with Applicant's submission; therefore the amendment after final will be entered and the arguments presented therein addressed below. For purposes of appeal, all claims would be rejected on the same grounds as the previous Office Action.

### ***Response to Arguments***

3. Applicant's arguments filed 04 AUG 2010 have been fully considered but they are not persuasive.
4. Applicant's first argument is that a *prima facie* case of obviousness has not been established because the method of the present invention suppresses the contact of an aqueous solution of boric acid to oxygen but not the contact of the film to oxygen. Examiner respectfully disagrees. Since the prior art teaches that it is known and desirable to exclude oxygen from the treatment process before and after the aqueous solution is contacted with the film, the only chance that oxygen will have to contact the film will be to diffuse into the boric acid and from there into contact with the film. Therefore, suppressing the contact of the boric acid with oxygen inherently suppresses the contact of the film with oxygen, as the boric acid solution is the only available conduit for diffusion.

5. Applicant's second argument is that the polarizing films in each of Isozaki, Starzewski and the instant application comprise different kinds of and structures of substrates and thus there is no merit in discussing the similarities of each treatment step with regards to preventing discoloration by oxidation. Examiner disagrees and argues that this difference in material properties is a greater argument for the combination, as it shows that PVA is generally available to oxidation and that methods which prevent oxidation on one sort of PVA substrate would have a reasonable expectation of success when applied to a second type of PVA substrate.

6. Applicant's third argument is that since the structures of the films in the prior art are different, the key conditions in the methods of producing the films are different and therefore are meaningless to combine. Examiner respectfully disagrees, as both final structures comprise a stretched PVA film and thus have a similar fundamental structure.

7. Applicant's fourth argument is that since Isozaki and Starzewski teach that oxygen is preferably excluded at temperatures above the claimed range to prevent discoloration, the art suggests that oxygen may not discolor the film if present during stretching at a low temperature. Examiner disagrees; the concrete teachings of the prior art teaches that heated oxygen in contact with PVA produces discoloration. Examiner would expect similar, if lesser, results at 85 degrees Celsius in comparison to 100 degrees Celsius; there is no evidence in the art that suggests that the discoloration mechanism 'turns off' between 85 and 100 degrees Celsius.

8. Applicant's fifth argument is that the boric acid treatment is carried out in an atmosphere. Examiner counters that the art teaches that the boric acid treatment is

carried out with no mention of the atmosphere in which the bath is stored. From the description of the bath provided in Isozaki, it is at least equally possible that the tank is covered and completely filled as it is open to an oxygen-containing atmosphere.

9. Examiner maintains all grounds of rejection from the previous Office Action, which is still held FINAL.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL G. MILLER whose telephone number is (571)270-1861. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571) 272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael G. Miller/  
Examiner, Art Unit 1712

/Michael Cleveland/  
Supervisory Patent Examiner, Art Unit 1712